THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.10309 of 1997

Dated:07.2.2007

Between
Visakha Port & Doc B.C & Minorities
Employees Welfare Association rep., by
K.Rugunadha Rao

.....Petitioner

and

1.The Union of India rep., by its
Secretary to Govt, the Ministry of
Transports and Ports, New Delhi
And others.

...Respondents

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ORDER:

This writ petition is filed by Visakha Port & Dock B.C Minorities Employees Welfare Association represented by its General Secretary K.Gurnadha Rao, seeking a Mandamus to declare the action of the respondents in not effecting the amendment to Recruitment Rules for the post of Driver cum Pump Operator/Senior Driver cum Pump Operator as arbitrary and illegal and consequently, to direct the respondents to promote the qualified eligible candidates K.Diwakar and others by promotion to the post of Sub-Officer in Marine Department of Visakhapatnam Port Trust.

A detailed counter-affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that fixation of strength (cadre) and also whether such a cadre should be created, depends on the requirement of the Management. It is for the Management to decide job evaluation and work study as to how many employees are required and of which cadre. It is not for the Union to decide the said requirement.

Admittedly in this case, the Union is seeking a Mandamus to declare the action of the respondents in not effecting the amendment to the Recruitment Rules for the posts referred to above, as arbitrary and illegal.

In my considered opinion the writ petition is misconceived and no such Mandamus can be issued by this Court. It is a purely policy matter, administrative

in its nature. It is for the respondents to take any decision as to the amendment to the Recruitment Rules and it is not for this Court to examine the same and issue a Mandamus. Writ petition is misconceived and is liable to be dismissed.

Writ petition is dismissed accordingly. No costs.

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7-2-2007

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